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Policy number: 2.17

Policy section: Academic Affairs

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Definitions of capitalized terms used herein are set forth in Appendix A. *

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The University is committed to the principle that a necessary pre-condition of a strong faculty is that it have first-hand concern with its own membership. This is properly reflected in faculty engagement in decisions about the appointment to faculty positions, as well as about involuntary separations from the faculty body.

On rare occasions a faculty member may be accused of misconduct or inappropriate behavior serious and/or repeated enough to warrant sanctions, including dismissal for cause. When such accusations arise, it is the policy of the University to attempt to find a mutually satisfactory resolution of the matter through a personal conference between the faculty member and an Appropriate Administrator based on a review of the severity and/or persistence of the behaviors. Absent a resolution, at the final level of the review process, the dean can request that the Faculty Senate Committee on Ethics and Tenure conduct an informal inquiry and make a recommendation to the Provost about whether to proceed with a formal hearing. If the Provost determines that a hearing is needed, a Hearing Committee will be established to review further evidence and make a recommendation to the President regarding its findings.

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The purpose of this policy is to outline the process and procedures under which a member of the faculty can incur the imposition of either a Minor or a Severe Sanction, which can result in dismissal from the University. This policy does not apply when a faculty member is accused of research misconduct, which is covered by University Policy 10.6, Standards for Addressing Research Misconduct.

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Adequate cause for dismissal or sanctions will be related, directly and substantially, to the



a. When reasons arise to address potential Faculty Misconduct, the Appropriate

members of the department(s) involved. These proceedings are confidential, and the Hearing Committee members will be asked to sign a non-disclosure agreement.

b. While a final decision by the President is pending, the faculty member will either be suspended or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by their continuance. Before suspending a faculty member pending an ultimate determination of their status by the President, the Appropriate Administrators will consult with the Faculty Senate Committee on Ethics and Tenure concerning the propriety, length, and other conditions of the suspension. Salary will continue during the period of the suspension.

c. The Hearing Committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (1) simplify the issues, (2) effect stipulations of facts, (3) provide for the exchange of documentary or other information, and (4) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

d. Service of notice of hearing with a specific final statement of charges in writing will be made at least twenty-one (21) business days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges against them, or asserts that the charges do not support a finding of adequate cause, the Hearing Committee will evaluate all available evidence and rest its recommendation upon the evidence in the record.

e. During the Hearing Committee's proceedings, the faculty member will be permitted to have an academic advisor and counsel of his/her own choice.

f. At the request of either party or the Hearing Committee, a representative of a responsible educational association will be permitted to attend the proceedings as an observer.

g. A verbatim record of the hearing or hearings will be taken and a written copy will be made available to the faculty member without cost, at the faculty member's request.

h. The burden of proof that adequate cause for sanctions or dismissal exists rests with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

i. The Hearing Committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

submitted to the witnesses for response in order to clarify any remaining issues relating to the witnesses' statements.

1. In the hearing of charges of incompetence, the testimony will include that of qualified faculty

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“Appropriate Administrator” Means the following faculty leadership roles, progressing from the role most proximal to the rank of the faculty member: department chair, dean, Provost and President, for issues related to faculty when accusations arise that might result in minor or severe sanctions or dismissal of a faculty member. **In the case that the Respondent of the complaint serves in one of these administrative roles or has a conflict of interest (e.g., has a spousal/partnership relationship with the Respondent, see Policy 1.4), either the faculty member (or Respondent) can ask an Appropriate Administrator at the next highest rank to appoint a delegate or delegate at the same or next highest rank as the Respondent (e.g., the dean can appoint an associate chair, assistant chair, or associate dean for a department chair who is a Respondent; the Provost can appoint a different dean or Provost Office for a dean who is a Respondent). In the case that the Respondent of the complaint is the Provost, concerns should be taken to the President.**

“Faculty Grievance Committee” means the confidential committee appointed by the Faculty Senate Committee on Ethics and Tenure which can conduct an informal inquiry if requested to

